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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JAN 28 AM 11:08
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UNITED STATES OF AMERICA,

Plaintiff,

v.

Eliodoro HERNANDEZ-Reyes,

Defendant

Magistrate Docket No.


COMPLAINT FOR VIOLATION OF: DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **January 24, 2008** within the Southern District of California, defendant, **Eliodoro HERNANDEZ-Reyes**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **JANUARY 2008**.


Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CL

CONTINUATION OF COMPLAINT:
Eliodoro HERNANDEZ-Reyes

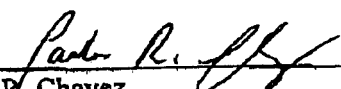
PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

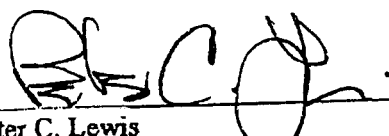
On January 24, 2008, Border Patrol Agent A. Palacios was assigned to line watch duties in the Campo, California area of operations. Agent Palacios was working an area east of Smith Canyon, which is located approximately 18 miles east of the Tecate, California Port of Entry and approximately four miles north of the United States/Mexico International Border. At approximately 8:30 p.m., Agent Palacios found fresh footprints for a group of individuals leading away from railroad tracks and into the brush. Agent Palacios followed the footprints until he encountered a group of twenty-three individuals attempting to conceal themselves in the surrounding brush. Agent Palacios approached the individuals and identified himself as a United States Border Patrol Agent and began to question each individual as to their citizenship. All individuals freely stated that they were citizens of Mexico illegally present in the United States. While assisting Agent Palacios, Agent J. Corona noticed a person later identified as the defendant **Eliodoro HERNANDEZ-Reyes** trying to conceal himself behind some brush. Agent Corona approached the defendant and immediately identified himself as United States Border Patrol Agent and questioned the defendant, as to his citizenship and nationality. The defendant freely admitted to being a citizen and national of Mexico illegally present in the United States. At approximately 8:45 p.m., all twenty-three individuals, including the defendant, were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on October 13, 2006 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on January 26, 2008 at 10:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 24, 2008, in violation of Title 8, United States Code, Section 1326.


Peter C. Lewis
United States Magistrate Judge

1-26-08 @ 2:59
Date/Time